



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection  
FROM: Chris Coppi, Bureau of Land and Water Quality  
RE: Consent Agreement for Debra A. Dollof and William P. Fanning  
DATE: January 7, 2010

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**Statute and Rule Reference:** The *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C, prohibits, in pertinent part, removing vegetation or placing fill in a freshwater wetland without first obtaining a permit from the Department.

**Location:** Kennebunk

**Description:** On July 31, 2008, a staff inspection revealed that William P. Fanning and Deborah A. Dollof removed vegetation and placed fill material in a freshwater wetland within the shoreland zone. Approximately 4,000 square feet of the wetland was impacted by these activities. Neither William P. Fanning nor Deborah A. Dollof first obtained a permit from the Department for these activities.

**Environmental Issues:** Wetlands are a valuable connection between the terrestrial and aquatic ecosystems in our environment. There are various types of wetlands and each provide a unique set of functions to the environment which include protecting water quality, providing wildlife habitat, and maintaining water storage. In addition to providing the necessary habitat for wildlife survival, they are also valued by people for recreation, aesthetics, and most importantly water storage. Development of wetland areas results in a loss of water storage and a potential increase in flooding to local communities which can significantly affect people's properties and lives.

Mr. Fanning has removed the fill material, planted wetland vegetation, and stabilized the wetland to staff satisfaction as agreed upon and according to the approved restoration plan. Staff expects some natural regrowth of wetland vegetation to occur that will supplement the installed plantings and does not anticipate any long term impact to the wetland.

**Department Recommendation:** The Department recommends acceptance of this Consent Agreement stipulating that William P. Fanning and Deborah A. Dollof pay a monetary penalty of \$876.00, which has been paid. The penalty is based on the Department's penalty policy and reflects that the size of the violation, the knowledge of the violator, and that the violation could have been avoided.

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

IN THE MATTER OF:

DAVID P. LITTELL  
COMMISSIONER

<b>WILLIAM P. FANNING</b>	)	<b>ADMINISTRATIVE CONSENT</b>
<b>DEBORAH A. DOLLOFF</b>	)	<b>AGREEMENT</b>
<b>KENNEBUNK, YORK, MAINE</b>	)	<b>(38 M.R.S.A § 347-A)</b>
<b>NRPA</b>	)	
<b>2008-169-L</b>	)	

This Agreement by and among William P. Fanning, Deborah A. Dolloff, the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. William P. Fanning and Deborah A. Dolloff own a parcel of land on U.S. Route 1 in Kennebunk, Maine as described and recorded in Book 8248 of Page 259 of the York County Registry of Deeds.
2. The property described in Paragraph 1 of this Agreement contains a portion of a freshwater wetland as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(4).
3. On July 31, 2008, an inspection of the property described in Paragraph 1 of this Agreement by Department staff revealed that William P. Fanning and Deborah A. Dolloff removed or caused to be removed vegetation and placed or caused to be placed fill material in a freshwater wetland within the shoreland zone. Approximately 4,000 square feet of the wetland was impacted by these activities. Neither William P. Fanning nor Deborah A. Dolloff first obtained a permit from the Department for these activities.
4. By removing or causing to be removed vegetation in a freshwater wetland, and by placing or causing to be placed fill material in a freshwater wetland without first obtaining a permit from the Department, William P. Fanning and Deborah A. Dolloff violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
5. On August 8, 2008, the Department issued a Notice of Violation to William P. Fanning and Deborah A. Dolloff regarding the violation described in Paragraphs 3 and 4 of this Agreement.
6. On September 16, 2008, William P. Fanning agreed to implement a restoration plan recommended by staff which will remove the fill material and restore wetland shrubs and trees in the disturbed area of the wetland as described in

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IN THE MATTER OF:

WILLIAM P. FANNING	)	ADMINISTRATIVE CONSENT
DEBORAH A. DOLLOFF	)	AGREEMENT
KENNEBUNK, YORK, MAINE	)	(38 M.R.S.A. § 347-A)
NRPA	)	
2008-169-L	)	

Paragraph 3 of this Agreement. The plan requires the restoration to be completed no later than June 13, 2009.

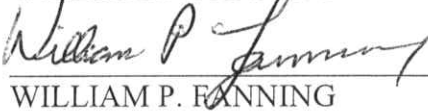
7. The Department has regulatory authority over the activities described herein.
8. Pursuant to 38 M.R.S.A. § 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department.
9. This Agreement shall become effective only if it is approved by the Board and the Attorney General.
10. To resolve the violations referred to in Paragraphs 3 and 4 of this Agreement, William P. Fanning and Deborah A. Dolloff agree to:
  - A. No later than June 13, 2009, remove the fill material from the wetland to its pre-existing grade, plant at least 8 tree saplings 8-10 feet off center that are no less than 6 feet high and plant at least 12 wetland shrubs at 8-10 foot intervals to staff's satisfaction. Apply conservation seed mix and mulch on all disturbed soils for stabilization.
  - B. Pay to the Treasurer, State of Maine, upon demand by the Department, the sum of one hundred dollars (\$100.00) per day per violation for the violation of any provision of this consent agreement.
  - C. Pay the Treasurer, State of Maine, in accordance with the following, the sum of eight hundred seventy six dollars (\$876.00) as a civil monetary penalty:
    1. Upon signing the Agreement pay the sum of four hundred thirty-eight dollars (\$438.00).
    2. No later than March 23, 2009 pay the sum of four hundred thirty-eight dollars (\$438.00).
11. The Department and Office of the Attorney General grant a release of their causes of action against William P. Fanning and Deborah A. Dolloff for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 10 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN THE MATTER OF:

WILLIAM P. FANNING	)	ADMINISTRATIVE CONSENT
DEBORAH A. DOLLOFF	)	AGREEMENT
KENNEBUNK, YORK, MAINE	)	(38 M.R.S.A. § 347-A)
NRPA	)	
2008-169-L	)	

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

WILLIAM P. FANNING



DATE: 2/3/09

WILLIAM P. FANNING

DEBORAH A. DOLLOFF



DATE: 1/18/09

DEBORAH A. DOLLOFF

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SUSAN M. LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL

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